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HOUSE BILL 397

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Richard D. Vigil

AN ACT

RELATING TO LAW ENFORCEMENT; PROVIDING FOR THE ORGANIZATION,
POWERS AND ADMINISTRATION OF THE MOTOR TRANSPORTATION DIVISION;
CREATING CRIMINAL OFFENSES REGARDING AND PROVIDING PENALTIES
FOR MISUSE OF A MOTOR TRANSPORTATION DIVISION UNIFORM, BADGE OR
VEHICLE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 29-2-1.1 NMSA 1978 (being Laws 1987,
Chapter 254, Section 18, as amended) is amended to read:

"29-2-1.1. DEFINITIONS. -- As used in Chapter 29, Articles
1 through 18 NMSA 1978:

A. "chief" or "chief of the state police" means the
director of the New Mexico state police division of the
department;

B. "commission" means the public safety advisory

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1 commi ssi on;

2 C. "department" means the department of public
3 safety;

4 D. "member of the New Mexico state police" means a
5 commissioned officer of the New Mexico state police;

6 E. "New Mexico law enforcement academy" or
7 "academy" means a bureau of the training and recruiting
8 division of the department of public safety;

9 F. "New Mexico state police" means the New Mexico
10 state police division of the department;

11 G. "New Mexico state police board" or "board" means
12 the secretary of public safety; and

13 H. "secretary" means the secretary of public
14 safety. "

15 Section 2. A new Section 29-19-1 NMSA 1978 is enacted to
16 read:

17 "29-19-1. [NEW MATERIAL] DIVISION CREATED. -- There is
18 created in the department the "motor transportation division". "

19 Section 3. A new Section 29-19-2 NMSA 1978 is enacted to
20 read:

21 "29-19-2. [NEW MATERIAL] DEFINITIONS. -- As used in Chapter
22 29, Article 19 NMSA 1978:

23 A. "chief" or "chief of the motor transportation
24 division" means the director of the division;

25 B. "department" means the department of public

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1 safety;

2 C. "division" means the motor transportation
3 division of the department;

4 D. "officer of the division" means a commissioned
5 officer of the division; and

6 E. "secretary" means the secretary of public
7 safety. "

8 Section 4. A new Section 29-19-3 NMSA 1978 is enacted to
9 read:

10 "29-19-3. [NEW MATERIAL] DIVISION--ORGANIZATION. --The
11 division shall consist of a chief, a deputy chief, a major,
12 captains, lieutenants, sergeants, patrolmen and non-
13 commissioned personnel as per the Personnel Act within the
14 limits of the funds appropriated for the division. "

15 Section 5. A new Section 29-19-4 NMSA 1978 is enacted to
16 read:

17 "29-19-4. [NEW MATERIAL] APPOINTMENTS--REMOVAL. --The
18 secretary shall appoint the chief. The chief shall serve at
19 the pleasure of the secretary. The chief is the executive
20 officer of the division and shall be subject to the control,
21 supervision and direction of the chief of the New Mexico state
22 police. All patrol officers, other officers and civilian
23 employees shall be appointed by the chief as per personnel
24 board rules. "

25 Section 6. A new Section 29-19-5 NMSA 1978 is enacted to

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1 read:

2 "29-19-5. [NEW MATERIAL] QUALIFICATIONS OF AN OFFICER. --

3 An officer of the division, except the chief, shall:

4 A. at the time of the officer's appointment, be a
5 citizen of the United States and at least twenty-one years of
6 age;

7 B. be of good moral character and not have been
8 convicted of a felony or an infamous crime in a court of a
9 county, this state or another state or in a federal court; and

10 C. pass a physical examination and any other
11 examination the department may require. "

12 Section 7. A new Section 29-19-6 NMSA 1978 is enacted to
13 read:

14 "29-19-6. [NEW MATERIAL] COMMISSIONS--SALARY. --

15 A. The chief shall commission officers of the
16 division.

17 B. The personnel board shall determine the pay band
18 assignments for officers of the division. "

19 Section 8. A new Section 29-19-7 NMSA 1978 is enacted to
20 read:

21 "29-19-7. [NEW MATERIAL] UNIFORM AND BADGES--UNIFORM
22 ALLOWANCE TO BE SET BY SECRETARY.--The secretary shall
23 prescribe a suitable and distinctive uniform. The secretary
24 shall provide and issue to each commissioned officer of the
25 division a uniform and an appropriate badge, which shall

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1 contain in plain legible letters the words "Motor
2 Transportation Police". The prescribed uniform and badge shall
3 be worn at all times when on duty, except when by direction of
4 the chief of the division, the chief of the New Mexico state
5 police, the secretary or the governor. A uniform allowance
6 shall be established by the secretary and allowed in addition
7 to a commissioned officer's salary and paid according to
8 department policy. "

9 Section 9. A new Section 29-19-8 NMSA 1978 is enacted to
10 read:

11 "29-19-8. [NEW MATERIAL] UNAUTHORIZED WEARING OF UNIFORM
12 OR BADGE--UNAUTHORIZED MARKING OF MOTOR VEHICLE--PENALTY. --

13 A. Unauthorized wearing of a uniform or badge
14 consists of wearing or requiring the wearing, without the
15 authorization of the chief, of a uniform or badge whose
16 material, color or design causes the wearer to appear to be an
17 officer of the division.

18 B. Unauthorized marking of a motor vehicle consists
19 of marking, using, possessing or owning or requiring the
20 marking or using, without the authorization of the chief, of a
21 motor vehicle whose insignia, color or equipment causes the
22 motor vehicle to appear to be a motor transportation division
23 police vehicle.

24 C. A person who commits unauthorized wearing of a
25 uniform or badge pursuant to Subsection A of this section or

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1 unauthorized marking of a motor vehicle pursuant to Subsection
2 B of this section is guilty of a petty misdemeanor and shall be
3 sentenced pursuant to Section 31-19-1 NMSA 1978. "

4 Section 10. A new Section 29-19-9 NMSA 1978 is enacted to
5 read:

6 "29-19-9. [NEW MATERIAL] CHIEF AND OTHER COMMISSIONED
7 OFFICERS OF THE DIVISION-- POWERS AND DUTIES. --The chief and the
8 other officers of the division, when duly commissioned, shall
9 be:

10 A. conservators of the peace within the state, with
11 full power to apprehend, arrest and bring before the proper
12 court all law violators within the state;

13 B. ex-officio deputies and agents of the officers
14 of the taxation and revenue department and of the officers and
15 departments within the state charged with registration of motor
16 vehicles, the issuance of licenses to operators of motor
17 vehicles and of the officers and departments of the state
18 charged with the regulation and control of motor vehicles
19 operated upon the public highways for hire in the
20 transportation of either passengers or property; and

21 C. charged with the enforcement of all laws of the
22 state regulating the use of highways. "